



Enforcement Division

Advisory

To: Cargo Handling Equipment
Owners and Operators at Ports
and Intermodal Rail Yards.

Number 401

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ENFORCEMENT OF THE MOBILE CARGO HANDLING EQUIPMENT REGULATION AT PORTS AND INTERMODAL RAIL YARDS

The purpose of this advisory is to provide additional information to owners and operators of cargo handling equipment at ports and intermodal rail yards who are required to comply with the California Code of Regulations, title 13, section 2479: Regulation for Mobile Cargo Handling Equipment at Ports and Intermodal Rail Yards (Cargo Handling Equipment Regulation).

Update Regarding Retired Equipment Still On-Site

In January 2009, Advisory 387 was issued, which notified cargo handling equipment owners and operators that vehicles being retired in order to comply with the regulation may remain on-site for up to 18 months beyond the required compliance date, as long as batteries and fluids (i.e., oil and fuel) are removed from the units by the required compliance date. In order to accommodate facility operators who are continuing to have difficulties selling, scrapping, or moving equipment to out-of-state facilities, we are extending this time to December 31, 2010, for vehicles that were retired in order to comply with compliance dates in 2007 or 2008. To clarify, for retired equipment that had a 12/31/2007 compliance date and for retired equipment that had a 12/31/2008 compliance date, the deadline will be 12/31/2010. This provides 36 months and 24 months, respectively, for removal of retired equipment with compliance dates in 2007 and 2008. Equipment that is retired in order to meet compliance dates on 12/31/2009 and after must conform to the 18-month limit.

Update Regarding Sweepers and Mobile Cranes

In December 2008, the Air Resources Board approved proposed changes to the Cargo Handling Equipment Regulation that will exempt sweepers and mobile cranes, other than rubber-tired gantry cranes, and instead place them under either the on-road truck and bus regulation (most sweepers) or the in-use off-road diesel engine regulation (most mobile cranes). Advisory 382, issued in October 2008, discussed these proposed changes and how they would affect owner/operator compliance schedules. If you have mobile cranes and/or sweepers in any of the three pre-2003 model year groups that were required to comply in 2008 or will be required to comply in 2009, no enforcement of those specific vehicles for the Cargo Handling Equipment Regulation will occur, pending the Office of Administrative Law's approval of the regulatory changes, which is expected by the end of the year. However, if your sweepers and/or cranes have already complied, they may be counted towards your required compliance percentages for the Cargo Handling Equipment Regulation. Additional information regarding the regulatory changes and which rules will apply to these vehicles operating at a port or intermodal rail yard is available at <http://www.arb.ca.gov/ports/cargo/documents/cranesweeper.pdf>.

For information regarding this advisory or technical questions concerning the regulation, please visit our web site at <http://www.arb.ca.gov/cargo> or contact either Ms. Lisa Williams at 916.327.1498 or via e-mail at lwilliam@arb.ca.gov, or Ms. Michele Houghton at 916.327.5635 or via e-mail at mhoughto@arb.ca.gov. If you would like additional information regarding the enforcement of mobile cargo handling equipment, please contact Mr. H. Cuauhtémoc Pelayo at 626.575.6779 or via e-mail at hpelayo@arb.ca.gov.